

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JORGE AJEJANDRO ROJAS,
Plaintiff/Counter-Defendant,

vs.

DV INJURY LAW PLLC,Case.	No. 2:23-cv-12140-LVP-EAS
VENAR RAAD AYAR and	Hon. Linda Parker
DANIEL HELBRUN,	
Defendants/Counter-Plaintiffs/	
Third-Party Plaintiffs,	

vs.

MARK DOMBROWSKI,
Third-Party Defendant.

CLASS ACTION COUNTERCLAIM AND THIRD-PARTY COMPLAINT

NOW COME Defendants/Counter-Plaintiffs/Third-Party Plaintiffs, DV Injury Law PLLC, Venar Raad Ayar and Daniel P. Heilbrun and they state as follows:

1. Defendant/Counter-Plaintiffs Venar Raad Ayar ("Ayar") and Daniel P. Heilbrun ("Heilbrun") are residents of the state of Michigan and are members of Defendant/Counter-Plaintiff DV Injury Law, PLLC.
2. Defendant/Counter-Plaintiff DV Injury Law, PLLC ("DV") is a Michigan domestic corporation with its principal place of business within Oakland County, Michigan.
3. Plaintiff/Counter-Defendant Jorge Alejandro Rojas ("Rojas") is a resident of Illinois and has submitted himself to the jurisdiction and venue of this Court with his filing of his Complaint in this matter.
4. Third-Party Defendant Mark Dombrowski ("Dombrowski") is a resident of Illinois, believed residing at 10536 S. Major Avenue, Basement South, Chicago, IL 60415.
5. There is a class of counter-plaintiffs/third-party plaintiffs who have been victimized just like DV, Ayar and Heilbrun.
6. Diversity is present.

7. The amount in controversy is greater than \$75,000.00.
8. Rojas based his Complaint on the Telephone Consumer Protection Act of 1991 (TCPA). This Counterclaim and Third-Party Complaint is based on Rojas and Dombrowski's fraud and scam in misusing the TCPA and jointly conspiring against DV, Ayar and Heilbrun.
9. Rojas is well known for tricking companies into calling his telephone number and then alleging his self-made alleged damages. Rojas has filed approximately 81 similar court cases, in addition to an unknown number of settlements without litigation. Rojas is a serial predator who has worked with Dombrowski and other yet unknown co-conspirators to continue to misuse the TCPA and the courts and to continue to injure and victimize individuals and companies.
10. Among the cases filed by Rojas include defendants Nancy Pelosi for Congress, Val Demings For U.S. Senate Inc, Beto for Texas, California Democratic Party, Democratic Victory PAC Inc., First Party for Bolingbrook, Citizens for Giannoulis and International Union of Police Associations AFL-CIO. These cases and the actions of Rojas and Dombrowski have crossed state lines and interfered with interstate commerce.
11. Rojas is on a list of known TCPA predators.
12. DV and companies like it, call people who show interest in a certain product or certain relief based on leads – people who have shown an interest in being called.
13. DV and others like it purchase these leads from companies who gather lead information.
14. Rojas and Dombrowski have worked together in formulating a plan, or conspiracy, using fake names, or real names other than their own, in submitting their phone number as leads.
15. In their joint scheme both Rojas and Dombrowski have used a real name in place of their own. Perhaps for the sake of irony, both Rojas and Dombrowski, acting in concert, have many times used the name Aaron Heering. Mr. Heering is actually a Chicago lawyer who specializes in consumer protection law. They both used Mr. Heering's name over and over again.
16. Both Rojas and Dombrowski have used Aaron Heering's name because they engaged together in this common scheme of fraud. We know this because they both used Mr. Heering's name. There was nothing random about it.
17. The common scheme and conspiracy of both Rojas and Dombrowski have caused direct damage to DV, Ayar and Heilbrun.

18. Rojas' multiple expressions of interest in a product or relief increases the value of his scam as damages in a TCPA case are based on the number of calls. Rojas intentionally lies to lead companies to increase his volume of "cases".
19. Through their scam, Rojas and Dombrowski and others like them abuse the legal system and defeats the very purposes of the law – a law that was created to help legitimate victims of unwanted telephone calls.
20. Through their scam Rojas and Dombrowski have blackmailed many businesses and individuals and as a result has unjustly enriched themselves.
21. Rojas, Dombrowski and others, placed their phone number on the Do Not Call List with names such as Mr. Heering. Once Rojas or Dombrowski receive a call, they then deny they ever sought information to become lead, and only claim they have been harmed by receiving a call while on the Do Not Call List.
22. Rojas and Dombrowski's intentional, wrongful and conspiratorial actions are directly contrary to the TCPA.
23. These wrongful acts of Rojas and Dombrowski have directly damaged DV, Ayar and Heilbrum as well as others similarly situated.
24. This Counterclaim and Third-Party Complaint is brought on behalf of all the victims of Rojas' and Dombrowski's conspiratorial scams to recover all the moneys they have wrongfully appropriated from like defendants through the years.
25. The other class members are nearly identical and all information necessary to determine the liability is in court records. Accordingly, this Counterclaim and Third-Party Complaint is perfectly suited for class action treatment. The Counter-Plaintiffs will seek the permission of the Court as to notice to the other class members.

COUNT I – THE RACKETEER AND CORRUPT ORGANIZATIONS (RICO) ACT

26. Counter-Defendants incorporate every paragraph of this Counterclaim into this Count.
27. The elements of Civil RICO, which are established within this Counterclaim/Third-Party Complaint are:
 - a. There exists a pattern of racketeering activity,
 - b. There exists a culpable person or persons with the requisite mens rea and who have engaged in prohibited acts,
 - c. There is an enterprise; and,

d. There is an effect on interstate commerce.

WHEREFORE, Defendants/Counter-Plaintiffs DV Injury Law PLLC, Venar Raad Ayar and Daniel P. Heilbrun pray for the following relief for Count I:

- A. Certification of this Counterclaim as a Class Action;
- B. Requiring Rojas and Dombrowski to return all funds paid to them based on claims of TCPA violations;
- C. Enjoining Rojas and Dombrowski from filing additional litigation claiming violations of the TCPA;
- D. Requiring Rojas and Dombrowski to reimburse Counter-Plaintiffs and Class Members for all costs, and attorney fees incurred by Counter-Plaintiffs and Class Members;
- E. Awarding Counter-Plaintiff and Class Members compensatory damages in an amount above \$75,000.00 as may be established at trial;
- F. Awarding Counter-Plaintiffs all attorney fees and costs of this litigation;
- G. Awarding Counter-Plaintiffs and Class Members punitive damages in an amount deemed appropriate by this Court or a jury; and,
- H. Granting such other relief as is deemed appropriate.

COUNT II – FRAUD

- 28. Counter-Defendants/Third-Party Plaintiffs incorporate every paragraph of this Counterclaim into this Count.
- 29. The elements of Fraud, which are established within this Counterclaim/Third-Party Complaint are:
 - a. Counter-Defendants/Third-Party Defendant misrepresented a material fact or facts;
 - b. Counter-Defendants/Third-Party Defendants intended for the Counter-Plaintiffs/Third-Party Plaintiffs, the victims, to rely on the misrepresentation or misrepresentations.
 - c. Counter-Plaintiffs/Third-Party Plaintiffs relied on the misrepresentation; and,

- d. The Counter-Plaintiffs/Third-Party Plaintiffs relied on the misrepresentation or misrepresentations directly caused damages to Counter-Plaintiffs/Third-Party Plaintiffs.

WHEREFORE, Defendants/Counter-Plaintiffs/Third-Party Plaintiffs DV Injury Law PLLC, Venar Raad Ayar and Daniel P. Heilbrun pray for the following relief for Count II:

- A. Certification of this Counterclaim as a Class Action;
- B. Requiring Rojas and Dombrowski to return all funds paid to them based on claims of TCPA violations;
- C. Enjoining Rojas and Dombrowski from filing additional litigation claiming violations of the TCPA;
- D. Requiring Rojas and Dombrowski to reimburse Counter-Plaintiffs/Third-Party Plaintiffs and Class Members for all costs, and attorney fees incurred by Counter-Plaintiffs/Third-Party Plaintiffs and Class Members;
- E. Awarding Counter-Plaintiffs/Third-Party Plaintiffs and Class Members compensatory damages in an amount above \$75,000.00 as may be established at trial;
- F. Awarding Counter-Plaintiffs/Third-Party Plaintiffs all attorney fees and costs of this litigation;
- G. Awarding Counter-Plaintiffs/Third-Party Plaintiffs and Class Members punitive damages in an amount deemed appropriate by this Court or a jury; and,
- H. Granting such other relief as is deemed appropriate.

COUNT III – ABUSE OF PROCESS

- 30. Counter-Defendants/Third-Party Plaintiffs incorporate every paragraph of this Counterclaim into this Count.
- 31. The elements of Abuse of Process, which are established within this Counterclaim are:
 - a. Counter-Defendant/Third-Party Defendant acted with an ulterior motive outside of the intended rightful purpose of litigation,
 - b. Counter-Defendant/Third-Party Defendant have acted improperly in the civil prosecution of court proceedings and

- c. Counter-Plaintiffs/Third-Party Plaintiffs have suffered damages as a direct result of the abuse of process.

WHEREFORE, Defendants/Counter-Plaintiffs/Third-Party Plaintiffs DV Injury Law PLLC, Venar Raad Ayar and Daniel P. Heilbrun pray for the following relief for Count III:

- A. Certification of this Counterclaim as a Class Action;
- B. Requiring Rojas and Dombrowski to return all funds paid to them based on claims of TCPA violations;
- C. Enjoining Rojas and Dombrowski from filing additional litigation claiming violations of the TCPA;
- D. Requiring Rojas and Dombrowski to reimburse Counter-Plaintiffs/Third-Party Plaintiffs and Class Members for all costs, and attorney fees incurred by Counter-Plaintiffs/Third-Party Plaintiffs and Class Members;
- E. Awarding Counter-Plaintiffs/Third-Party Plaintiffs and Class Members compensatory damages in an amount above \$75,000.00 as may be established at trial;
- F. Awarding Counter-Plaintiffs/Third-Party-Plaintiffs all attorney fees and costs of this litigation;
- G. Awarding Counter-Plaintiffs/Third-Party Plaintiffs and Class Members punitive damages in an amount deemed appropriate by this Court or a jury; and,
- H. Granting such other relief as is deemed appropriate.

COUNT IV – DEFAMATION

32. Counter-Plaintiffs incorporate every paragraph of this Counterclaim into this Count.

33. The elements of Defamation, which are established within this Counterclaim are:

- a. Counter-Defendant made false and defamatory statements orally and in writing about the Counter-Plaintiffs (who are not public officials);
- b. Counter-Defendant statements were published to a third party; and,
- c. Counter-Defendant' fault amounted to at least negligence in the publication; and,

- d. Counter-Plaintiffs have suffered damages as a direct and/or proximate result of the publication.

WHEREFORE, Defendants/Counter-Plaintiffs DV Injury Law PLLC, Venar Raad Ayar and Daniel P. Heilbrun pray for the following relief for Count IV:

- A. Certification of this Counterclaim as a Class Action;
- B. Requiring Rojas and Dombrowski to return all funds paid to them based on claims of TCPA violations;
- C. Enjoining Rojas and Dombrowski from filing additional litigation claiming violations of the TCPA;
- D. Requiring Rojas and Dombrowski to reimburse Counter-Plaintiffs and Class Members for all costs, and attorney fees incurred by Counter-Plaintiffs and Class Members;
- E. Awarding Counter-Plaintiff and Class Members compensatory damages in an amount above \$75,000.00 as may be established at trial;
- F. Awarding Counter-Plaintiffs all attorney fees and costs of this litigation;
- G. Awarding Counter-Plaintiffs and Class Members punitive damages in an amount deemed appropriate by this Court or a jury; and,
- H. Granting such other relief as is deemed appropriate.

Respectfully submitted,
/S/Mark L. Teicher (P34301)

Of Counsel
Law Office Of Venar Raad Ayar, PLLC
30095 Northwestern Hwy., Suite 102
Farmington Hills, MI 48334

November 28, 2023